THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION Nos. 19541,19542,19543 and 19547 of 2006

Dated: 20-09-2006

Between:

Sukhavasi Vasu and others

.... PETITIONERS

AND

The Mandal Revenue Officer, Anandapuram Mandal,
Visakhaptnam District.

.... RESPONDENT

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION Nos. 19541,19542,19543 and 19547 of 2006

COMMON ORDER:

This common order shall dispose of all the four writ petitions as the background of all the cases is similar. All the petitioners in these cases purchased small extents of agricultural land ranging from one acre to about two acres under registered sale deeds executed some time in 1982. They claim to be landless poor persons. In February, 2000, the Mandal Revenue Officer appears to have initiated action under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (hereafter called, the Act) and A.P. Assigned Lands (Prohibition of Transfers) Rules, 1977 (hereafter called, the Rules) calling upon the petitioners to show cause as to why the land in their possession should not be resumed for alleged contravention of the provisions of the Act and the Rules. The petitioners submitted explanations, but no orders were passed. Again, the Mandal Revenue Officer, the sole respondent, initiated action under the Act and Rules and issued show cause notice in Rc. No. 168/2006A, dated 26.8.2006 to as many as thirty two persons in whose favour assignment was made in 1967. No notice was however issued to the petitioners. Apprehending that the land in their possession which they purchased under sale deeds may be resumed by the Government under the Act and the Rules without due process of law, the petitioners filed the present writ petitions.

After getting instructions from the respondent, the learned Assistant Government Pleader for Revenue (Assignments) submits that the petitioners were not given notices and the matter is still pending before the respondent. Therefore, this Court is of the considered opinion that without waiting for the formality of being issued a Notice in Form No.I under Rule 3 of the Rules, the petitioners may approach the respondent with a copy of this order and submit their detailed explanation along with all the relevant documents. As and when such explanation and evidence is produced, the Mandal Revenue Officer shall consider the same and pass appropriate orders duly considering the case of the petitioners that they are landless poor persons and therefore the land in their possession need not be resumed. This Court also observes that if the respondent considers their explanation, it will be in due compliance with the principles of natural justice.

The writ petitions are accordingly disposed of. No costs.

(V.V.S. RAO,J)

20th September, 2006

Note:

Dispatch a copy of the order by 21.9.2006.

B/o

pnb